

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EARL HIGGS,

Plaintiff,

vs.

Case No. C2-02-1092

Judge Edmund A. Sargus, Jr.

Magistrate Judge Norah McCann King

THE WARRANTY GROUP,

et al.,

Defendants.

ORDER

On January 15, 2009, upon a referral from the undersigned, the United States Magistrate Judge conducted a hearing to consider the fairness of parties' stipulated settlement agreement and the application for attorneys fees and expenses filed by counsel for the Plaintiffs. As set forth in her Report and Recommendation, no members of the class appeared at the hearing, and the record contains no opt-outs or objections to the settlement.


On January 16, 2009, the United States Magistrate Judge issued a Report and Recommendation finding that the stipulated settlement was fair, adequate and reasonable, and that class counsel's request for \$39,000 in attorneys' fees and expenses was fully supported by the affidavit and declaration of counsel. Based on these findings, the Magistrate Judge recommended that the Court adopt the parties' proposed final order and judgment approving settlement, awarding class counsel attorneys' fees and costs of administration, and dismissing the action with prejudice. The parties were specifically advised of their right to object to the Report and Recommendation

and of the consequences of their failure to do so. There has nevertheless been no objection to the Report and Recommendation.

The Report and Recommendation is hereby **ADOPTED** and **AFFIRMED**. The Court, therefore, executes concurrently herewith, the Final Order and Judgment Approving Settlement, Awarding Class Counsel Attorneys' Fees and Costs of Administration and Dismissing Action with Prejudice.

IT IS SO ORDERED.

2-5-2009
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE